

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JEANETTE HUDGINS,

Plaintiff,

v.

THE TRAVELERS HOME AND MARINE
INSURANCE COMPANY,

Defendant.

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CIVIL ACTION

NO. 11-882

ORDER

AND NOW, this 31st day of July, 2013, upon consideration of the “Motion for Partial Summary Judgment of All Claims For Bad Faith and Breach of Good Faith and Fair Dealing Stated in Plaintiff’s Amended Complaint” filed by defendant Travelers Home and Marine Insurance Company (Doc. # 81), plaintiff’s response in opposition, and defendant’s reply, it is hereby **ORDERED** that the instant motion is **GRANTED IN PART and DENIED IN PART** as follows:

1. The motion for partial summary judgment is **GRANTED** and judgment is **ENTERED** in favor of defendant Travelers Home and Marine Insurance Company on plaintiff’s bad faith claims as stated in counts III, IV, and V of the amended complaint to the extent that these claims rely on:
 - a. Travelers’s invocation of its entitlement to take Derrick Morgan’s EUO.
 - b. Travelers’s deduction for depreciation when reimbursing plaintiff for her loss of personal property.
 - c. Traveler’s litigation conduct in defending against plaintiff’s lawsuit

initiated on February 5, 2010, in the Court of Common Pleas of Philadelphia County (*Hudgins v. Travelers Home and Marine Ins. Co.*, February Term, 2010 No.0827).

2. The motion for partial summary judgment is **GRANTED** and judgment is **ENTERED** in favor of defendant Travelers Home and Marine Insurance Company on plaintiff's claim for the breach of the duty of good faith and fair dealing as set out in count VI of the amended complaint.
3. The balance of defendant Travelers Home and Marine Insurance Company's motion is **DENIED**.
4. Trial is scheduled for November 4, 2013, at 10:00 a.m.

/s/ William H. Yohn Jr., Judge
William H. Yohn Jr., Judge